REMARKS

Applicant respectfully requests further examination and reconsideration in view of the above amendments and the comments set forth fully below. Claims 1-25 were pending. Within the Office Action, Claims 1-25 have been rejected. Accordingly, Claims 1-25 are now pending.

Rejections Under 35 U.S.C. § 102

Within the Office Action, Claims 15-18 and 21-24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0182450 to Ong et al. ("Ong"). The Applicant respectfully disagrees with this rejection. Ong teaches a generic infrastructure for converting documents between formats with merge capabilities. The generic conversion framework allows developers to develop custom plug-in conversion algorithms and/or merge algorithms. [Ong, Abstract] Ong also teaches that the framework may provide a generic Application Programming Interface (API), through which one or more of the plug-ins may be plugged into the framework. The plug-in modules for converting, differencing and/or merging documents of various formats may interface with the framework via the API. [Ong, ¶ 0139] Ong further teaches that the framework is configurable to use any of a variety of **front-ends**, for example, email, HTTP, SyncML, WebDAV, SOAP and ebXML, among others. For example, in one embodiment with an email front-end, a user of a client device may email documents to a particular synchronization implementation based on the framework, which then may email the results (synchronized documents) back to the client device. [Ong, ¶ 0143] Ong does not teach *one or more synchronization protocol stacks*. Ong also does not teach that *the messages between the one or more synchronization applications and the interface layer are independent of a protocol used between the interface layer and the synchronization protocol stacks.*

In contrast to the teachings of Ong, the generic API of the present invention provides an interface between synchronization applications and a plurality of synchronization protocols. The generic synchronization API acts as an abstraction layer for the plurality of synchronization protocols. A synchronization application interfaces with the generic synchronization API in a manner independent of the specific synchronization protocol, and the generic synchronization API interfaces with each individual synchronization protocol. The synchronization protocols can be a synchronization protocol stack in a synchronization layer.

Ong does not teach that messages between the one or more synchronization applications and the interface layer are **independent of a protocol used** between the interface layer and the synchronization protocol stacks. Ong only teaches that the API is configurable to use the front-end applications. (Ong's framework is **configurable to use** any of a variety of **front-ends**, for example, email, HTTP, SyncML, WebDAV, SOAP and ebXML, among others. [Ong, ¶ 0143]) Ong's API does not further format the synchronization communication according to one of the conventional synchronization protocols in the synchronization layer.

Also, Ong teaches away from the problem that the present invention is designed to solve. The generic API of the present invention tries to solve the complexity, time and cost for developing a synchronization application by providing a generic synchronization API, which appropriately formats the synchronization communication according to one of the conventional synchronization protocols, at least one of which is sufficient for successfully providing synchronization communications with another network device. [Present Specification, Page 2, lines 30-31 and page 3, lines 1- 17] By contrast, Ong emphasizes that third-party vendors may develop custom plug-in modules that interface with the API to support custom synchronization tasks, which plainly teaches away from the problem that the present invention is solving.

Within the Office Action, in the Response to Arguments section (pages 2-3), it has been stated that:

> The prior art does disclose "one or more synchronization protocol stacks" as a plurality of synchronization protocol such as HTTP, SyncML, WebDAV, SOAP and ebXML (Ong, [0143]); whereas the application also uses SyncML, WebDAV as synchronization protocols (application, fig. 4). These synchronization application protocols inherently exist in a protocol stack of the network device that supports the protocols. [Office Action, Page 2]

However, the MPEP states that when a rejection is based on inherency, the examiner must provide rationale or evidence tending to show inherency. [MPEP §2112 IV] There is no rationale or evidence that there is a synchronization protocol stack inherently within Ong. Therefore, this rejection is improper.

Within the Office Action, in the Response to Arguments section (pages 2-3), it has also been stated that:

> Although these modules are plugged in, one skilled in the art can appreciate that the plug-in features is used for updating the API with further synchronization document supports in the future...When dealing with conventional applications (such as the case in the application, page 8 line 29-page 9 line2), there is no need

for plug-ins for "custom synchronization tasks" from "third party vendors". So conventional modules can be provided to the API as a default package for converting/merging documents between conventional application formats. [Office Action, Page 3]

However, the only references to generic conversion within Ong involve plug-ins. Again, more is being read into Ong than is taught. Ong never states and support is never given for the statement, "conventional modules can be provided to the API as a default package for converting documents between conventional application formats." [Office Action, Page 3] Ong clearly only teaches using plug-ins which teaches away from the protocol independent communications of the present invention.

The independent Claim 15 is directed to a method of providing an interface to one or more synchronization applications resident within a first device coupled to a network of devices. The method of Claim 15 comprises sending and receiving messages to and from the one or more synchronization applications through an interface layer to one or more synchronization protocol stacks, to synchronize data between the first device and at least one other device within the network of devices, wherein the messages between the one or more synchronization applications and the interface layer are independent of a protocol used between the interface layer and the synchronization protocol stacks, and generating and receiving communications at the interface layer to complete data synchronization between the first device and the at least one other device within the network of device. As discussed above, Ong does not teach *one or more synchronization protocol stacks*. Ong also does not teach that *the messages between the one or more synchronization applications and the interface layer are independent of a protocol used between the interface layer and the synchronization protocol stacks*. For at least these reasons, the independent Claim 15 is allowable over the teachings of Ong.

Claims 16-18 are dependent upon the independent Claim 15. As discussed above, the independent Claim 15 is allowable over the teachings of Ong. Accordingly, Claims 16-18 are also allowable as being dependent upon an allowable base claim.

The independent Claim 21 is directed to an apparatus for providing an interface to one or more synchronization applications resident within a first device coupled to a network of devices. The apparatus of Claim 21 comprises means for sending and receiving messages to and from the one or more synchronization applications through an interface layer to one or more synchronization protocol stacks, to synchronize data between the first device and at least one other device within the network of devices, wherein the messages between the one or more

synchronization applications and the interface layer are independent of a protocol used between the interface layer and the synchronization protocol stacks, and means for generating and receiving communications at the interface layer to complete data synchronization between the first device and the at least one other device within the network of device. As discussed above, Ong does not teach *one or more synchronization protocol stacks*. Ong also does not teach that *the messages between the one or more synchronization applications and the interface layer are independent of a protocol used between the interface layer and the synchronization protocol stacks*. For at least these reasons, the independent Claim 21 is allowable over the teachings of Ong.

Claims 22-24 are dependent upon the independent Claim 21. As discussed above, the independent Claim 21 is allowable over the teachings of Ong. Accordingly, Claims 22-24 are also allowable as being dependent upon an allowable base claim.

Rejection Under 35 U.S.C. § 103

Within the Office Action, Claims 1-13 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ong in view of Ericsson et al. (SyncML Sync Protocol, version 1.0.1, http://www.openmobilealliance/org/tech/affliates/syncml/syncml_protocol_v101_20010615.pdf) (hereafter "Ericsson") The Applicant respectfully disagrees with this rejection.

Specifically, Ong, Ericsson and their combination do not teach the limitation of *wherein the generic synchronization communications between the one or more applications and the interface layer are independent of a protocol used between the interface layer and the synchronization layer*. Within the Office Action, paragraph 0139 of Ong is cited as teaching this. However, paragraph 0139 of Ong states:

> In one embodiment, the framework 220 may provide a generic Application Programming Interface (API), through which one or more of the plug-ins may be plugged into the framework 220. The plug-in modules for converting, differencing and/or merging documents of various formats may interface with the framework 220 via the API. In one embodiment, one or more default plug-in modules may be provided, and third-party vendors may develop custom plug-in modules that interface with the APIs to support custom synchronization tasks. In one embodiment, the plug-in architecture of the framework 220 may allow for the plugging-in of more sophisticated algorithms to support document conversion, differencing and merging of documents created or edited on more sophisticated devices. [Ong, paragraph 0139]

There is nothing within the cited section that teaches *wherein the generic synchronization communications between the one or more applications and the interface layer are independent of a protocol used between the interface layer and the synchronization layer.* As described above, Ong teaches that the API is configurable to use the front-end applications. Ong does not teach that an interface layer communicates with the applications using a protocol independent of the protocol used between the interface layer and the synchronization layer. Furthermore, also as described above, Ong teaches away from the problem that the generic API of the present invention is designed to solve. Based on at least these reasons, Ong does not teach that *generic synchronization communications between the one or more applications and the interface layer are independent of a protocol used between the interface layer and the synchronization layer.*

Within the Office Action, Ericsson is cited for teaching a synchronization layer which consists of synchronization protocols. However, Ericsson also does not teach that *the generic synchronization communications between the one or more applications and the interface layer are independent of a protocol used between the interface layer and the synchronization layer.* Accordingly, neither Ong, Ericsson nor their combination teach *the generic synchronization communications between the one or more applications and the interface layer are independent of a protocol used between the interface layer and the synchronization layer.*

In contrast to the teachings of Ong, Ericsson and their combination, the generic API of the present invention provides an interface between synchronization applications and a plurality of synchronization protocols. The generic synchronization API acts as an abstraction layer for the plurality of synchronization protocols. A synchronization application interfaces with the generic synchronization API in a manner independent of the specific synchronization protocol, and the generic synchronization API interfaces with each individual synchronization protocol. The synchronization protocols can be a synchronization protocol stack in a synchronization layer. As described above, neither Ong, Ericsson nor their combination teach *the generic synchronization communications between the one or more applications and the interface layer are independent of a protocol used between the interface layer and the synchronization layer.*

The independent Claim 1 is directed to a first device to synchronize data with a second device. The first device of Claim 1 comprises one or more applications, a network layer coupled to interface with the second device, a synchronization layer coupled to the network layer to provide a synchronization protocol between the first device and the second device, and an interface layer coupled to communicate with the one or more applications and the

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synchronization layer to provide generic synchronization communications between the one or more applications and the synchronization layer, wherein the generic synchronization communications between the one or more applications and the interface layer are independent of a protocol used between the interface layer and the synchronization layer. As discussed above, neither Ong, Ericsson nor their combination teach *wherein the generic synchronization communications between the one or more applications and the interface layer are independent of a protocol used between the interface layer and the synchronization layer.* For at least these reasons, the independent Claim 1 is allowable over the teachings of Ong, Ericsson and their combination.

Claims 2-7 are dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Ong, Ericsson and their combination. Accordingly, Claims 2-7 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 8 is directed to a network. The network of Claim 8 comprises one or more network devices, and an application device. The application device comprises one or more applications, a network layer coupled to interface with the one or more network devices, a synchronization layer coupled to the network layer to provide a synchronization protocol between the application device and the one or more network devices, and an interface layer coupled to communicate with the one or more applications and the synchronization layer to provide generic synchronization communications between the one or more applications and the synchronization layer, wherein the generic synchronization communications between the one or more applications and the interface layer are independent of a protocol used between the interface layer and the synchronization layer. As discussed above, neither Ong, Ericsson nor their combination teach *wherein the generic synchronization communications between the one or more applications and the interface layer are independent of a protocol used between the interface layer and the synchronization layer.* For at least these reasons, the independent Claim 8 is allowable over the teachings of Ong, Ericsson and their combination.

Claims 9-13 are dependent upon the independent Claim 8. As discussed above, the independent Claim 8 is allowable over the teachings of Ong, Ericsson and their combination. Accordingly, Claims 9-13 are all also allowable as being dependent upon an allowable base claim.

Claim 20 is dependent upon the independent Claim 15. As discussed above, the independent Claim 15 is allowable over the teachings of Ong. Accordingly, Claim 20 is also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 19 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ong in view of U.S. Patent Application Publication No. 2003/0014483 by Stevenson et al. (hereinafter "Stevenson"). The Applicant respectfully disagrees with this rejection.

Claim 19 is dependent upon the independent Claim 15. Claim 25 is dependent upon the independent Claim 21. As discussed above, the independent Claims 15 and 21 are both allowable over the teachings of Ong. Accordingly, Claims 19 and 25 are both also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 7 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ong and Ericsson in view of Stevenson. The Applicant respectfully disagrees with this rejection.

Claim 7 is dependent upon the independent Claim 1. Claim 14 is dependent upon the independent Claim 8. As discussed above, the independent Claims 1 and 8 are both allowable over the teachings of Ong, Ericsson and their combination. Accordingly, Claims 7 and 14 are both also allowable as being dependent upon an allowable base claim.

For at least the reasons given above, the Applicant respectfully submits that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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